

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI,
SHIMLA-9.**

No. CGRF/Complaint No. 1414/202606/09

Dated: -

Complaint No.: - 1414/202606/09

Date of Admission: - 25.06.2026

**Quorum: - Er. Harinder Thakur, Chairman.
Er. Rakesh Chand Negi, Member.
Er. Madan Dhiman, Member.**

M/s P.K. Construction village
Diarighat Vaknaghat Tehsil
Kandaghat, Distt. Solan (HP).

Complainant

V/s.

1. The Executive Director (Pers.)
HPSEBL, Vidyut Bhawan Shimla-4
2. The Assistant Engineer
Electrical Sub-Division, HPSEBL, Kandaghat,
District Solan (HP).

Respondents

Final hearing: - 18/08/2026

Complainant 1. Sh. Trigun Singh Negi, Ld. Advocate.

Respondent 1. Sh. Rajesh Kashyap, Ld. Advocate.
2. Er. Chandan Sharma A.E

Date of Decision: -01.09.2026

Notice

Registered

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.**

No. CGRF/Complaint No. 1414/202606/09

Dated: -

M/s P.K. Construction village
Diarighat Vaknaghat Tehsil
Kandaghat, Distt. Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1414/202606/09

1. The Executive Director (Pers.)
HPSEBL, Vidyut Bhawan Shimla-4
2. The Assistant Engineer
Electrical Sub-Division, HPSEBL, Kandaghat,
District Solan (HP).

Respondents

The Certified copy of final order dated 01.09.2026 passed by the Hon'ble Forum in the aforesaid complaint is enclosed find herewith for further necessary action at your end please. The compliance be reported/ intimated within one month after the receipt of order in the office.

DA:-As above.

Secretary,
Consumers Grievances Redressal Forum,
HPSEBL, Kasumpti Shimla-9.

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

M/s P.K.Construction

Vs

Himachal Pradesh State Electricity Board Ltd & Anr.

ORDER

- (1) Complaint has been filed under Regulation 17 of HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s P.K.Construction, Village Diarighat, Vaknaghat, Tehsil Kandaghat, Distt, Solan, H.P.
- (2) Himachal Pradesh State Electricity Board Ltd. (HPSEBL) is the Distribution Licensee and is the Respondent herein.
- (3) This Complaint has been placed before the Forum pursuant to the order dated 03.06.2026 (Annexure C-12) passed by the Hon'ble Himachal Pradesh Electricity Regulatory Commission (HPERC), whereby the matter was remanded to this Forum for adjudication in the light of the interpretation rendered by the Hon'ble Commission regarding the appropriate tariff classification applicable to the Complainant's Hot Mix Plant.
- (4) The Complainant had challenged the demand notices dated 04.01.2025 (Annexure C-3) and 03.03.2025 (Annexure C-6) whereby an amount of Rs.9,89,425/- was demanded on account of change in tariff category from Medium Industrial Power Supply (MIPS) to Temporary Metered Supply (TMS).
- (5) The record shows that the Complainant had obtained an electricity connection for running its Hot Mix Plant at Diarighat, Tehsil Kandaghat, District Solan. The connection was released with connected load of 49 kW and contract demand of 49 kVA under the Medium Industry Power Supply category against Consumer ID 100011001344. The Complainant continued to pay the energy bills raised by the Respondents. Subsequently, on the basis of an audit observation (Annexure C-4), the Respondents treated the connection as Temporary Metered Supply w.e.f 8/2018 and raised the disputed demand.
- (6) The Complainant, being aggrieved by the action of the Respondents, approached this Forum by filing a complaint bearing Complaint No. 1414/202503/05. Since the dispute involved interpretation of the applicable Tariff Orders regarding categorization of a Hot Mix Plant, this Forum vide order dated 22.07.2025 granted liberty to the Complainant to approach the Ld. HPERC for appropriate interpretation (Annexure C-9). However, the Complainant instead of approaching the Ld. HPERC, filed a Writ Petition bearing CWP No. 1994 of 2026 before the Hon'ble High Court of Himachal Pradesh whereby the Hon'ble High Court was pleased to dispose of the petition, as withdrawn, with liberty to avail appropriate remedy for redressal of its grievances in view of the observation already made in the order passed by CGRF on 22.07.2025 (Annexure C-10). The Complainant, thereafter, approached the Hon'ble Commission by filing CMA No.99 of 2026.
- (7) During the pendency of the proceedings, the Complainant deposited

Rs.3,29,808/- pursuant to the interim order of this Forum (Annexure C-7). A further amount of Rs.1,64,905/- was deposited pursuant to the order dated 10.03.2026 passed by the Hon'ble Commission (Annexure C-11). Thus, fifty per cent of the disputed amount stood deposited for restoration of the electricity supply.

- (8) The Hon'ble Commission finally decided CMA No.99 of 2026 vide order dated 03.06.2026 (Annexure C-12). After considering the submissions of the parties and applicable Tariff Orders, the Hon'ble Commission held that the Hot Mix Plant of the Complainant had been wrongly categorized as Temporary Metered Supply and its electricity supply had been illegally disconnected. The Hon'ble Commission accordingly decided the issue in favour of the Complainant.
- (9) The Hon'ble Commission further directed the Complainant to approach this Forum for redressal of its grievances. This Forum was directed to decide the complaint on the basis of the interpretation rendered by the Hon'ble Commission. It was also specifically ordered that the amount already deposited by the Complainant for restoration of the connection shall be adjusted in the energy bills to be raised by the Respondents in future.
- (10) The Hon'ble Commission also granted liberty to the Complainant to approach the Distribution Licensee for categorization under Medium Industrial Power Supply or Small Industrial Power Supply. Such categorization is required to be made on the basis of the current Tariff Order and according to the contract demand and connected load of the Hot Mix Plant. The present complaint is, therefore, required to be decided in conformity with these findings and directions.
- (11) The Respondents have filed a short reply. They have not disputed the order dated 03.06.2026 passed by the Hon'ble Commission. Rather, they have stated that the matter was placed before the competent authority of HPSEBL and a decision has been taken to implement the order of the Hon'ble Commission in its letter and spirit. The Respondents have relied upon the communication dated 05.08.2026 issued by the Dy. Secretary (Law), HPSEBL in this regard.
- (12) The said communication further records that appropriate action for implementation of the order shall be taken after observing the requisite codal formalities. It also records that the consequential action shall follow after passing of the order by this Forum. The Respondents have accordingly prayed that the complaint be disposed of in terms of the directions issued by the Hon'ble Commission.
- (13) The Forum has considered the complaint, the reply and the documents placed on record. The Forum has also carefully considered the order dated 03.06.2026 passed by the Hon'ble Commission. The controversy regarding applicability of Temporary Metered Supply tariff to the Hot Mix Plant no longer survives for determination. The Hon'ble Commission has already interpreted the applicable Tariff Orders and has specifically held that the Complainant was wrongly categorized under Temporary Metered Supply.
- (14) The aforesaid finding is clear and binding for the purpose of disposal of the present complaint. No order staying or modifying the order dated 03.06.2026 has been placed before the Forum. On the contrary, the competent authority of HPSEBL has decided to implement the said order in its letter and spirit. The Forum is, therefore, required to give effect to the interpretation and directions of

the Hon'ble Commission.

- (15) The demand of Rs.9,89,425/- was raised as a consequence of treating the Complainant's Hot Mix Plant under Temporary Metered Supply. Once such categorization has been held to be incorrect by the Hon'ble Commission, the consequential demand cannot survive on the same basis. The notices dated 04.01.2025 and 03.03.2025, therefore, cannot be sustained to the extent that they are founded upon such erroneous categorization.
- (16) As regards the appropriate tariff category, the Hon'ble Commission has granted liberty to the Complainant to approach the Distribution Licensee for categorization under Medium Industrial Power Supply or Small Industrial Power Supply. The category has to be determined on the basis of the current Tariff Order, contract demand and connected load of the Hot Mix Plant. The Forum cannot substitute its own determination where the Hon'ble Commission has specifically left this exercise to the Distribution Licensee.
- (17) Accordingly, the Respondents shall determine the appropriate Industrial Power Supply category of the Complainant strictly in terms of paragraph 59 of the order dated 03.06.2026. While doing so, the Respondents shall take into consideration the current Tariff Order, sanctioned contract demand and connected load of the Hot Mix Plant.
- (18) The Forum has also considered the amount deposited by the Complainant during the proceedings. The Hon'ble Commission has specifically directed in paragraph 58 of its order that the amount already deposited for restoration of the connection shall be adjusted in the future energy bills. Therefore, the entire amount so deposited shall be given due credit and adjusted in the energy bills of the Complainant in accordance with the said direction.
- (19) The Complainant has also claimed interest on the amount deposited by it. The claim, however, cannot be allowed merely on the ground that the amount remained deposited during the pendency of the proceedings. The deposits were made pursuant to interim orders passed by this Forum and the Hon'ble Commission, and the Hon'ble Commission, while finally disposing of CMA No. 99 of 2026, specifically directed that the amount already deposited for restoration of the connection shall be adjusted in the future energy bills. The said direction does not provide for payment of interest on the deposited amount. In view of the specific manner prescribed by the Hon'ble Commission for dealing with the deposit, this Forum cannot enlarge, vary or supplement that relief by directing payment of interest on the same amount.
- (20) In view of the above discussion, the demand of Rs.9,89,425/- raised on account of categorization of the Complainant's Hot Mix Plant under Temporary Metered Supply is set aside. The Respondents shall make necessary corrections in the consumer account and withdraw all consequential arrears and surcharge, if any, arising solely from such categorization.
- (21) The Complainant shall approach the Respondents and the Respondents shall thereafter determine the applicable category under Medium Industrial Power Supply or Small Industrial Power Supply in accordance with the current Tariff Order and the connected load and contract demand of the Hot Mix Plant.

- (22) The amount already deposited by the Complainant for restoration of electricity supply shall be adjusted against its future energy bills strictly in terms of paragraph 58 of the order dated 03.06.2026. The claim for interest on the said amount is declined. The Respondents shall complete the consequential exercise and communicate the revised account to the Complainant within fifteen days from the receipt of this order .

On aforesaid terms, the complaint stands disposed of. Pending applications, if any, also stand disposed of.

The parties shall bear their own costs.

Order was pronounced in open Forum at Shimla on 01.09.2026 in the presence of the parties.

Certified copies of this Order be supplied to the parties. The complaint, together with this Order and the documents forming part of the record, be consigned to the record room for safe custody.

Sd/-
(Madan Dhiman)
(Member)

Sd/-
(Rakesh Chand Negi)
(Member)

Sd/-
(Harinder Thakur)
(Chairman)